



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:
2002/00879

May 21, 2003

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Re: Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation on Bureau of Land Management, Forest Service, and BIA/Coquille Indian Tribe Actions Affecting Southern Oregon/Northern California Coho Salmon, Oregon Coast Coho Salmon, and Oregon Coast Steelhead

Dear Agency Administrators:

On October 18, 2002, National Marine Fisheries Service (NOAA Fisheries) transmitted to you our biological opinion (Opinion) 2002/00879 "Endangered Species Act Section 7 Formal Programmatic Consultation and Magnuson-Stevens Act Essential Fish Habitat Consultation on Bureau of Land Management, Forest Service, and BIA/Coquille Indian Actions Affecting Southern Oregon/Northern California Coho Salmon, Oregon Coast Coho Salmon, and




Oregon Coast Steelhead.” After issuance of this Opinion, concerns raised by some of your staff resulted in a review of the Opinion with resultant changes made by NOAA Fisheries.

In addition to removing the three categories of activities requested in your reinitiation letter of May 15, 2002, NOAA Fisheries altered the original terms and conditions related to stream crossings (Term and Condition # 2). The purpose of this alteration was to provide consistency between programmatic Opinions within our Northwest Region relative to including baffled culverts in a programmatic consultation. After further discussions with your staff, NOAA Fisheries believes there are sufficient reasons to include this type of stream crossing in your programmatic consultation. NOAA Fisheries recognizes there are some unique situations, especially in the coastal range, where alternative approaches are required. In recognition of your agencies’ ability to provide the appropriate expertise to design, implement, and maintain these difficult solutions to fish passage problems, NOAA Fisheries has reinserted baffled culverts into this Opinion. A minor clarification is also provided for the juvenile fish passage requirements. Please replace the enclosed errata pages (pages 26 and 27) into your copy of our October 18, 2002, Opinion.

Finally, I want to assure you that NOAA Fisheries is committed to the interagency streamlining process and regrets that our efforts to correct an internal consistency issue did not provide you with an opportunity to respond to our recommended changes prior to issuance of the Opinion. We look forward to continuing to work together for the conservation of our natural resources.

If you have any questions regarding this Opinion, please contact Ken Phippen of my staff in the Oregon Habitat Branch at 541.957.3385.

Sincerely,


for D. Robert Lohn
Regional Administrator

Enclosure (1)

Errata pages 26 and 27

cc: Steve Wille, USFWS
Rob Cox, Umpqua National Forest
Tom Mendenhall, Roseburg BLM District
Bill Hudson, Coos Bay BLM District
Travis Hunt, BIS
Wade Sims, Siuslaw and Willamette National Forest
Randy Frick, Rogue National Forest
Neil Armantrout, Eugene District BLM
Dan Delany, Siskiyou National Forest
Dale Johnson, Medford District BLM

May 21, 2003, Replacement pages (26 and 27) for October 18, 2002, Bureau of Land Management, Forest Service, and BIA/Coquille Indian Tribe Programmatic Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead Biological Opinion.

- g. Time in which heavy equipment is in the stream channel will be minimized.
- h. Equipment will not be stored in stream channels when not in use to avoid effects of vandals, accidents, or natural disasters.
- i. Develop and implement an approved spill containment plan that includes having a spill containment kit on-site and at previously identified containment locations. Refuel equipment, including chainsaws and other hand power tools, at least 150 feet from water bodies to prevent direct delivery of contaminants into a water body (or as far as possible from the water body where local site conditions do not allow a 150-foot setback).
- j. Use whole trees or tree pieces that are 1.5 to 2.0 times the active channel width with attached root-wads (if available). Use cable in project design sparingly and only when conditions do not exist to anchor large wood naturally between riparian trees or where stream power is great enough that wood meeting size criteria cannot be stabilized through natural anchoring. Favor use of bioengineering techniques.
- k. No conifers will be felled in the riparian area for restoration purposes unless conifers are fully stocked or if necessary (*i.e.*, no other practical alternative) for safety. If necessary for safety, trees will be felled toward stream and left in place, or placed within the stream channel or floodplain at the site.
- l. Permanent stream crossings. Permanent stream crossings will be built as follows.
 - i. Design.
 - (1) Crossing types.⁷ Design road crossings in the following priority.
 - (a) Nothing – road realignment to avoid crossing the stream.
 - (b) Bridge – spanning the stream to allow for long-term dynamic channel stability.
 - (c) Streambed simulation – bottomless arch, embedded culvert, or ford.
 - (d) No-slope design culvert⁸ – sometimes referred to as hydraulic design, here limited to 0% slopes.
 - (e) Baffled culvert, or structure designed with a fishway - for steeper slopes.
 - (2) If the crossing will occur near an active spawning area, only full span bridges or streambed simulation may be used.
 - (3) Fill width must be limited to the minimum necessary to complete the crossing, and must not reduce existing stream width.
 - ii. New culverts.

⁷ For a discussion of crossing design types, see, National Marine Fisheries Service, Southwest Region, *Guidelines for Salmonid Passage at Stream Crossings* (September 2001) (<http://swr.nmfs.noaa.gov/hcd/NMFSSCG.PDF>) and Washington Department of Fish and Wildlife, *Fish Passage Design at Road Culverts: A Design Manual for Fish Passage at Road Crossings* (March 3, 1999) (<http://www.wa.gov/wdfw/hab/engineer/cm/toc.htm>).

⁸ "No-slope design culvert" means a culvert that is sufficiently large and installed flat to allow the natural movement of bedload to form a stable bed inside the culvert.

May 21, 2003, Replacement pages (26 and 27) for October 18, 2002, Bureau of Land Management, Forest Service, and BIA/Coquille Indian Tribe Programmatic Activities Affecting SONC Coho Salmon, OC Coho Salmon, and OC Steelhead Biological Opinion.

- (1) To provide for upstream passage of juvenile salmonids, the maximum average water velocity⁹ shall not exceed 1 foot per second.
 - (2) Suitable grade controls must be included to prevent culvert failure caused by changes in stream elevation.
 - iii. Culvert maintenance. Culverts must be cleaned by working from the top of the bank, unless culvert access using work area isolation would result in less habitat take, to remove only the minimum amount of wood, sediment and other natural debris necessary to maintain culvert function without disturbing spawning gravel.
 - (1) All large wood recovered during cleaning must be placed downstream.
 - (2) All routine work must be done in the dry, using work area isolation if necessary.
 - m. When replacing culverts, follow NFP and ODFW guidelines for design and installation, and minimize sedimentation potential by implementing appropriate measures, as per Oregon Department of Environmental Quality (ODEQ) turbidity standards.
 - n. All activities involving temporary access roads, use of heavy equipment, earthwork, site restoration, or that may otherwise involve in-water work or affect fish passage, must also meet all applicable terms and conditions to implement RPM #10 (construction).
3. To implement Reasonable and Prudent Measure #3 (recreation site, trail, and administrative structure maintenance and associated public use), the BLM/FS/CIT shall:
- a. Follow ODFW Guidelines for Timing of In-Water Work, where relevant, except where the potential for greater damage to fish, water quality and fish habitat exists.
 - b. Minimize adverse effects of brushing (loss of shade, bank stability, *etc.*) when trails or facilities occur within riparian reserves by leaving as much uncut buffer as possible; *i.e.*, at least a 10-foot buffer along intermittent and ephemeral streams, and a 20-foot buffer along perennial streams.
 - c. Consider relocating mobile infrastructure away from potential hazard trees. Where relocation is not feasible, consider limbing or topping to alleviate the potential hazard. Where falling is deemed necessary directionally fall trees toward stream channels and riparian reserves and leave the tree on site, where it is safe and feasible to do so.

⁹ "Maximum average water velocity" means the average of water velocity within the barrel of the culvert calculated using the 10% annual exceedance of the daily average flow. Monitoring or engineering design calculations may be used to assess passage improvement success.

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- d. Do not remove down wood from sites within 1- site potential tree height (SPTH) of a stream channel except to clear trails, unless fisheries personnel determine that large woody material (LWM) objectives for stream and riparian reserves in the